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Bledsoe, Jesse. An Introductory
Lecture on the Study of the Law.

(1822)



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ILLINOIS HISTORICAL SURVEY



AN
INTRODUCTORY LECTURE

ON THE STUDY

OF THE LAW,

DELIVERED

IN THE CHAPEL

OF

TRANSYLVANIA UNIVERSITY,

ON MONDAY, NOVEMBER 4, 1822.

BY JESSE BLEDSOE, Esq.

Professor of Law, &c.

LEXINGTON, KENTUCKY.

PRINTED BY JOSEPH FICKLIN,

1822.

At a meeting of the Law Class of Transylvania University, held on the 5th day of November 1822, it was unanimously resolved, that Messrs. *Albert G. Harrison, Nelson C. Johnson, and Charles S. Morehead* be appointed a Committee to wait on Professor BLEDSOE, and request a copy of his Introductory Lecture for publication.

TRANSYLVANIA UNIVERSITY, NOVEMBER 5, 1822.

SIR By a resolution of the Law Class of Transylvania University, we are appointed a Committee on their behalf, respectfully to request a copy of your Introductory Lecture for publication.

We are with esteem,

Your Obedient Servants.

ALBERT G. HARRISON.

NELSON C. JOHNSON.

CHARLES S. MOREHEAD.

JESSE BLEDSOE Esq.

Professor of Law, Transylvania University.

LEXINGTON, NOVEMBER 7, 1822.

Gentlemen. In answer to the Communication which you did me the honor to address to me on the 5th inst. as a committee, in pursuance of a resolution of the Law Class, requesting my Introductory Lecture for publication, I beg leave to observe, that this Lecture was delivered principally for the benefit of the Members of the Class, and they are at liberty to make such disposition of it as they may think proper.

With a sincere wish for your improvement and prosperity, with that of the other members, I am, Gentlemen, respectfully, your friend and Obedient Servant,

J. BLEDSOE.

Messrs. *Albert G. Harrison, Nelson C. Johnson,*
Charles S. Morehead.

LECTURE.

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GENTLEMEN of the Board of Trustees, MR PRESIDENT, and Gentlemen of the Faculty of the University. Within these walls where science in all her various forms plies her unceasing toils in quest of whatever can elevate and adorn our nature, of whatever can ameliorate and improve our condition, it seems most fitting and proper that the pursuit of the knowledge of the law should claim a distinguished place. In its most universal sense, law is the order of the Universe. The Creator himself is not exempt from it, for he is bound by the nature of his moral attributes. His creatures cannot therefore be exempt from the primitive and essential circumstances and rules attending their condition, not even the unconscious mass of the material part. Law as applicable to the regulation of human conduct is undoubtedly a science, and one too which yields in importance to no other. It relates intimately to our existence and well being in this world.

Its foundation is in nature; its improvement is in society. It professes to treat of those institutions, and to ascertain those rules, which are best calculated to secure to man the enjoyment of life, liberty, and property; in a word, to secure to him the best means of attaining happiness in this terrestrial state of being. Law is intended to operate upon the will of intelligent beings, thereby to govern their conduct: it therefore addresses itself to their understanding. It necessarily includes politics: for without understanding the nature and extent of the authority by which Laws are ordained and enforced, we should nei-

ther so readily understand the extent of their obligation, nor be so well prepared to render to them a prompt and just obedience.

Governments are always assimilated to the character, manners, and habits of a people; and these latter, on the other hand, are generally affected and influenced by the constitution and character of the Government. Thus the subjects of a despotism make the most ferocious and unrelenting Masters.

Man is essentially the creature of education and habit.—Climate has its influence, but this yields to the irresistible force of the former. How vast then is the field in which the benefactor of his species has to labor, in order to fit a people for a good government, and to make the government the best the people can bear. The origin of government, or in other words, of human society, has been the source of many and various speculations among political and juridical writers. An attentive observation of the nature and condition of man, as now seen in some of the rudest inhabitants of the world, compared with attentive notices of him in former ages, transmitted to us by history, will lead us to form no improbable conjectures as to the manner in which societies and Governments were first formed

The desire of pleasure and the wish to avoid pain, is the first lesson we learn on our entrance into the world. This is not left to the slow process of intellect: it is produced with us, and is by many Philosophers, not untruly perhaps, referred to instinct. It begins at our birth, and travels with us till we die. It is our animal propensity, and is necessary to our preservation and well-being. The all-wise Creator has endowed every sensitive being, other animals as well as man

with a propensity from their very organization, to seek what benefits, and avoid what hurts them. The tenderest infant is, by its kindly parent nature, directed to seek what pleases, and to shun what harms it; not so fully at first, but gradually, & as its wants, its capacities, and its situations, render convenient and necessary.

But as, after some degree of maturity, from the more enlarged faculties of man over every other terrestrial being, this original propensity, or instinct, to provide for his own well being, in the various situations in which he might be placed, would prove inadequate to provide for every emergency, and always to direct him to the best results; and above all, as he is so pre-eminently favored, as to be destined for immortality, to exist in other untried states of being, for which this world is but a nursery, the divine gift of reason is superadded like a lamp to his path, and a guide to his way.

To maintain his existence in the most pleasurable, and therefore in the most desirable state, is nevertheless still natural to man, subdued and chastened it is true by the proper exercise of his reason, whenever we observe the best results of his conduct. It is only by the evil he can inflict upon others, thus compelling them to abstain from his injury, and by the good he can do them, inducing them to contribute to his just wishes in this respect, that this desirable state of existence can be maintained in the world. Happy are they who seek to procure happiness to themselves chiefly by benefits to others; who never use their power and influence to inflict pain upon them but when it is just and necessary; and never can this infliction be either just or necessary unless where a greater good outweighing the evil is thereby pro-

duced to mankind. The great author of nature has indeed wisely ordained, that individual happiness should be indissolubly connected with justice and benevolence to others; and as these two are the great foundations of human happiness, so they are the basis of all Laws which regulate the social intercourse between individuals and between Nations. Man is essentially a social being; he cannot be happy, nor is he in his true condition, without society. The precepts which are indicated and enforced by the very constitution of his nature, while they shew his own rights, point also to his duties to others, and are ascertainable by that reason, by which he is so pre-eminently distinguished. And in neither case can the enlightened dictates of this reason be disregarded with impunity. The Laws of our existence were not made in vain, and he who neglects or disregards them will find they were not ordained without a fearful sanction.

He who disregards the rights of others, and inflicts injury upon them, finds injury returned with misery in its train; he who neglects the duty of benevolence, finds from casual or inevitable calamity, common to all, that desertion, malevolence and pain, leading to an abandoned and hopeless dissolution, frown upon him with a Gorgous face; he that neglects the proper means of self preservation, finds that greatest of natural evils, death as the avenger. That Nation which forgets these great Laws by working the misery and destruction of others, will sooner or later, as unworthy of a place upon the earth, be swept from its face by the besom of destruction. Nor need we go far to look for any miraculous interposition in either case; for without denying that such has taken place, it is surely sufficient to

demonstrate by all experience, that in the moral and political, as in the material world, the force of action and reaction is the same; and that they who do wrong are working their own misery or destruction. If one individual shall do a wrong to his neighbor, by withholding or taking from him his just rights, why has not another the liberty of doing the same to the aggressor? And so of the conduct of Nations toward each other; for a nation is but an aggregation of individuals.

Society was instituted, not only from the natural propensity of men to live together, but that all should enjoy their just rights; that in the enjoyment of those the whole should unite to protect every individual, and the rights of every individual have thus a guaranty of prompt defence, and his injuries of redress. There is moreover a kind of general community of nations, to regulate the general intercourse between the various members of which, public Law prevails. For the nation that allows itself unjustifiably to inflict wrongs upon another independent nation, and to deprive it of its just and natural rights, will in the end find that this cannot be forever quietly endured by other independent nations, although they be not themselves the subjects of such injustice. For they know not how soon the evil may be brought to their own doors, as it is manifest, the power to bring home to them such unjust, and atrocious, visitation is alone wanting in the wrong doer. They will therefore hasten by a community of force and design to prevent such wrong, and cut off the oppressor. Does not the history of those mighty Empires which once shook the iron rod of oppression over a trembling world, and which have passed away "like the baseless fabrick of a vision, leaving scarce a rack behind," evince the

truth of what a great prophet has said of old, "that righteousness exalteth a nation, but wickedness is a shame to any people;" a shame too ending in their destruction.

I need not remind you of the Assyrian, the Persian, the Macedonian, and the Roman Empires. Nations bent beneath their irresistible sceptre. They felt power and forgot right, and are remembered only by the aid of history.

Thus we see the necessity of Municipal Law governing individuals in a single state; and of Natural Law, regulating the intercourse between Nations.

Municipal Law has been well defined by SIR WILLIAM BLACKSTONE, that great commentator on the Laws of England, whose invaluable work must still remain the Text Book of the Student, "a rule of action prescribed by the supreme power of a State, commanding what is right, and prohibiting what is wrong." He denominates the Legislature the sovereign power of a state, because the right to prescribe implies the right to enforce. It is certainly true that the right to command what is right, and to prohibit what is wrong, would be nugatory without the power to enforce the one, and restrain from the other. In our Government, however, there is a higher power than the Legislature itself, from whom its power is derived, and in whom the ultimate sovereignty rests; I mean the people.

Penalty is the strength of the Law in States; but where shall we look for the Legislature, or Sovereign power, to act for Nations, to command what is right and prohibit what is wrong between them? We shall search in vain for any human assembly, clothed with this august and transcendent power. The *ultima ratio Regum* is

the sword; the arbiter between nations is force. Unfortunately for the repose and happiness of mankind, this is but too true. From the earliest ages of the world, the earth has been made to drink the blood of those human beings whom it was destined to nourish.

From direful cupidity or revenge, nation has lifted the sword against nation, and the still small voice of reason has been unheard amidst the tumult of arms.

Yet has this reason, like a spark of divinity, not ceased to shed its often unheeded, but mild and ever increasing radiance upon this dark scene of wild uproar. Reacting calamity and pain, the never failing consequences of continued wrongdoing, have taught nations to reflect, and by tacit or express consent to agree, that there are rules binding upon them in their conduct toward each other, the inviolable and mutual observance of which will tend to their interest, and procure for them a greater sum of prosperity and happiness than lawless appeals to force. The Great Author of nature is here the only legislator, and reason, aided by those manifestations of his will which he has been pleased to make by revelation, the only interpreter of these Laws. Upon reason then, pointing out what is fit and proper for one nation to do or to forbear towards another, is natural, or, as it is usually termed, national law founded. Whatever is useful and proper for all, it must be the interest and duty of all to observe. Reason consults experience, & by just inductions from it, points to the useful and fitting. *Quid utile quid non* is the only proper test of all human laws. We are not however from hence to infer, that the obligations of municipal or national law are left to rest upon the uncertain, contradictory,

or erroneous conclusions of all those who may choose to employ their speculations upon the utility of the particular rules of either. The sovereign or legislative power of a state, which is competent to do so, is supposed to have deliberated & determined upon this, before the enactment of any municipal regulation; and the opinions of able and enlightened jurists of various countries and ages, assisted by the common sense and practice of nations, indicate and fix the rules of national law.

The origin of society, not without probability on its side, is referred by most writers to patriarchal government.

Men in an independent state, unconnected by society, if such a state can be supposed to have existed, would naturally assume rule in their own families, of which they were the heads and chiefs. Their children from their tender years, and their servants or dependents, if they had any, (and man soon learned to acquire influence and power over his fellow,) would from interest be disposed to obey him. Thus would begin the rude model of government. The principal occupations of the primitive ages were hunting and pasturage.

But as these pursuits and their acquisitions were liable to be interrupted and invaded by the cupidity and violence of others, associations of those who sojourned in the same neighborhood (for they could as yet scarcely be called residents) would naturally be formed to secure the spoils of the chase, the freedom of pasturage, and the flocks under their care; & if some of the products of the earth, raised by agriculture in its yet infant state, should form a portion of the property of the early inhabitants of the world, it would naturally pre-

sent an additional and powerful motive to such associations, by which to secure to labor the enjoyment of its fruits, its proper reward.

In such associations, some one of more wisdom and authority than the rest would be looked up to and regarded as the chief of the whole. Without his consent & cooperation any scheme of defence or attack would most probably fail. A deference to the appearance of efficient authority is natural to man. It binds him, even to this hour, to unrelenting despotisms, although it requires nothing but a determined will to dissolve the charm.

The chief of such an association, whether by authority or choice, (and they would generally in the first instances be found united) would be the principal depository of the power of his horde or clan, their leader in war, their judge in peace. The northern hordes, who overran Italy and overturned the Roman Empire, present no very dissimilar picture to this. They too were of the Scythian race, parts of a nation, (if a multiplicity of different associations may be so called) yet inhabiting the North of Asia, the frontier of the cradle of mankind, who had at various times, and in various portions, migrated to the north of Europe.

Each soldier of those enterprising and hardy leaders considered himself a free man. He followed his leader from choice, partook of his acquisitions, and met with protection in return for obedience. Indeed the connection between these two still forms the bond of society. Men surrender to society a portion of their natural rights; or, more properly speaking, they agree to suspend the power of asserting them, and forego their natural independence in order to secure to themselves this protection. When this protection

fails, such surrender may be resumed. So always it rightfully might, whenever it could be done without any direct injury to the society, of which any one was a member, by removal or expatriation, and seeking protection within the limits and jurisdiction of another society. Such direct injury no one, enjoying the protection and benefits of any society, had at any time, nor has he yet, a right to inflict, such as withdrawing in time of war, the imminent approach of invasion, or in the midst of any public calamity where the society would be immediately injured from the want of the services of the individual, which he was under obligation, in common with others of its members, to render. But the denial of the ordinary right of any individual to exchange his obedience for the protection of a community different from that under which he happened to be born, or may have lived, by a removal without it, cuts off one of the most natural and precious privileges of our being, the right of locomotion, and ties down man to the soil like the vegetable he cultivates for his subsistence. It was not until governments became perverted from their original design and true end, the happiness of the governed & the people came to be regarded as the property of their rulers; nor indeed until modern times, that the monstrous doctrine of perpetual and unconditional allegiance was advanced by kings and despots. But this right and these pretensions, from their importance, and from the serious consequences they were likely to produce during our late war with Great Britain, who claimed the right to punish her natural born subjects, although resident in, and citizens of the United States, when taken in arms against her, deserve a more ample investigation than this occa-

sion will afford. The chief of one of those primitive societies, which we have supposed, would, in the regulations of peace as well as in the undertaking and conduct of war, naturally call to his aid the principal men of his tribe or community.

Let us pause here a moment to remark, that all government presupposes consent or violence. Man is not to be made subject to the influence or control of his fellow, without the one or the other of these. Rightful control cannot originate in violence, for this supposes wrong. Thus it is, that the descendents of conquerors themselves have frequently had to resort to a fictitious acquiescence in the original usurpation, by which their title to rule has been acquired, in order to give to their dominion the color of right. But trace all governments to their origin, and they must have sprung from consent, some where or at some time in those who were governed, or who at first subjected them to the government.

For a few individuals can never conquer a nation, nor without their consent retain them in obedience. As to the regulations of peace, it is not to be presumed, that a written or regular code of laws was thus early promulgated. It is not even probable that the art of writing, or the knowledge of letters themselves, was coeval with the formation of society and government, for man is the creature of endless improvement. Their laws were no doubt founded upon the basis of our common law, customs generally agreed to, many of which, in process of time, became immemorial as to their origin.

Nor are we left to mere conjecture as to the formation of communities in the manner here supposed, for Abraham thus laid the foundation of a

mighty people, and of a government which subsisted under various alterations and interruptions from his time until its final overthrow by the Romans under Vespasian. The wandering Arabs are to this day governed by similar associations; and those of our own rude and savage neighbors, the Indians, are not unlike to them.

Man is every where and at all times essentially the same, although circumstances and especially education produce an immense difference in the species.

The Britons in the time of Julius Cæsar were not more civilized than our Cherokee Indians, nor, it is believed, are the Laplanders at this day. All communities however must have some kind of government, nor could they exist without it. But where associations are voluntary; where each individual continues bound by the regulations of any community so long only as he chooses to remain within it; & where even then to a great extent his obedience must be spontaneous, the necessity imposed on the chiefs and elders or principal men of such community, of consulting & devising what would be useful and agreeable to the body of its members, would be apparent; for a usurped authority tending to any other end would not be endured longer than it could be discovered and thrown off. Hence the frequent massacres of those chiefs, who, through rapine and crime, have sought their own, and not their people's good. A great truth, which the crimes and artifices of long ages of despotism have endeavored to eradicate or obscure, here presents itself in all its divine majesty before us, namely, that "the happiness and safety of the people governed are the prime objects of every legitimate government, and not the advantage of its rulers.

any more than that of other members of the community." If these rulers enjoy more honor and profit in consequence of their stations than others of its members, it is only because it is for the advantage of the society that it should be so. They have authority and dignity to maintain as essential to the proper discharge of their public functions.

But these superior advantages, resulting from public station, are bestowed in trust for the benefit of the people whose agents they are, and to whom they are amenable with an increased weight of responsibility. Would nations and governments keep this godlike truth forever in view, what bitter afflictions, what groans and tortures and agony, what torrents of blood, would be spared to our suffering species! To consecrate this great principle by a solemn and public act of the nation in the face of the world was reserved for this people, favored of heaven, by our ever memorable declaration of Independence on the 4th of July 1776.

The despots of the earth grew pale at this magnificent spectacle, a spectacle over which the Ruler of the Universe presided, which the angels of heaven must have delighted to behold, and which revealed the dawn of hope to oppressed millions of our fellow beings. Can the imagination portray to its eye any scene more august in human affairs than to behold a whole nation rising in the majesty of its strength, breaking the chains of the oppressor, and hurling the fragments in his teeth, and by a solemn and permanent act, recognizing and reclaiming those long lost rights of man, which were bestowed upon him by his Creator himself, and building upon these durable foundations a free government? But the sentiments and language of this sacred instrument are too precious to be here omitted; they should be engraven upon our hearts to the last syllable of re-

corded time. "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just power from the consent of the governed; that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." My beloved Country, land of my fathers and of my birth, wert thou then destined to stand as as a lone monument in a desert waste to bear testimony to a world, that as man was formed with capacities for happiness, it is to resemble his Creator to nurture, to protect these capacities in their exercise! Land favored of heaven, long mayest thou stand as a pillar of fire to guide and illuminate the wandering and benighted nations of the earth in their search after happiness! Are not the inevitable evils of our condition sufficient, the strife of elements, and disease, and pain, and famine, and pestilence, and death? Yet worse, far worse than all these, in all ages has

"Man's inhumanity to man
Made countless thousands mourn."

And yet governments were instituted to promote the happiness of mankind. What but deep and lasting execration should pursue the oppressors of their race?

Such are the lessons to be learned from history; such are the uncorrupted sentiments to be taught by the benefactors of their species.

The progress of society and of law embraces too

wide a field for me now to traverse or to scan.

You have seen that law includes the origin, the progress, and perfection of government; that law and politics are intimately and inseparably connected; and finally, that human happiness is their ultimate object and end.

Would to God, that by my humble labors I could contribute to an end so devoutly to be wished, the supreme object of the highest human effort!

Could my feeble aid but soften the pangs of the wretched; could I but contribute to prevent or alleviate the moral evils which afflict our race; elevated by its consciousness, I should view with calmness the termination of my mortal pilgrimage, cheered in my last hour by the hope that I had not lived in vain.

Thus I have endeavored to sketch for you the outlines of a magnificent temple, the temple of the Law, erected for, and dedicated to human happiness. Who is willing to enter, to explore its inner chambers, to understand and admire its useful and curious workmanship, the perfection of ages, to trace the progress of improvement in its structure from the rude Gothic pillar to the polished and enfoliated Corinthian, to become qualified to minister at its high and holy altar?

If the happiness of mankind be an object of the highest importance, it might well be supposed, that it is necessary only to shew that any one pursuit is a chief mean to attain that great end, to enlist numerous and zealous votaries in its service. All men however are neither necessary nor proper for one employment. The means of human happiness are various, and in a variety of degrees suited to the different capacities and qualifications of different individuals. The soil,

the nurse of our existence, must be cultivated; different mechanical employments necessary to our comfort must be pursued, and will be so, as interest or inclination directs.

But to regulate and produce the best results from the various occupations of all the members of a community, wise legislation and the faithful administration of the laws must supervene. He therefore, who by education and study becomes qualified in any eminent degree to assert in these, has gained "the vantage ground" on the road to fame. It is a principle of our nature to aim at distinction, nor has it been implanted but for wise and noble purposes. It comes next to that instinct which teaches self preservation. Indeed it is engrafted upon it; for distinction, honorable distinction, is power, and serves therefore as a principal mean to attain the same end. The love of fame is but the desire of distinction. It is true, this love of fame may be so exalted and refined as to look for its reward to a period beyond our existence here. When guided by intellect, animated by benevolence, and supported by fortitude, of all human passions it is the noblest. For this, we hope to live and dare to die. The ardent votary of fame, by a sort of divine anticipation, exists through ages which shall roll on when he is no more. For this, Lycurgus legislated, and Cæsar fought. But how different the fate of the two! How vast the space between the benefactor and the destroyer of his species! Cæsar saw this, and was in peace one of the most benevolent of men. He had slain a million to become great; he made many millions happy to become so himself. Can the enemy and tormentor of his species be happy? Let history, let experience answer the question. No tyrant ever was happy; no one

bringing desolation and affliction to his race ever can be so.

May we ever adore that all wise Providence that has ordained, that individual and social happiness should be inseparably united; for we may most solemnly pronounce, that he, who attempts to separate them, will forever find himself deceived. It then remains for every individual of a community to endeavor to promote his own happiness by increasing that of the society in which he lives.

What importance is attached to the science of government, legislation, and the administration of the laws by which a society is governed, I have in part endeavored to shew. Let us proceed however a little further to illustrate how honorable and gratifying it must be to any one qualified to do so, to assist in this important work; and also to suggest some of the qualifications which it will be necessary to bring to the undertaking.

We have seen, that a knowledge of the science of government is not only essential to correct legislation, but to a comprehensive knowledge of law itself. The legislative, executive, and judicial departments include the whole machinery of our government, with the exception of the military or physical force of society necessary to defend and secure these in their full and free operation. The freedom of any government requires they should be kept separate and distinct. What is the best form of Government has been matter of speculation with the wisest philosophers, and matter of experiment with the ablest statesmen from the earliest times. We have seen, that no science and no experiments more intimately affect the happiness of mankind. None therefore can better merit the most earnest and serious atten-

tion of any one who wishes to be distinguished as the friend of his species.

Minos, Theseus, Solon, Lycurgus, and many other illustrious names of Greece have been handed down to us by faithful tradition or history as entitled to endless renown in consequence of their useful labors in founding governments and establishing wise laws for their respective communities. For this, Minos was placed amongst the gods. We may add to these the fathers and sages of Rome, Numa, Justinian, Theodosius, and the great founder of English civil liberty, the immortal Alfred, and its restorer, the first Edward; but above all, the founders of our own glorious and happy government, whose names and whose labors in one bright galaxy will enlighten other hemispheres, and ages yet to come. Who would exchange the fame of a Henry, who pointed out the road to freedom; of a Jefferson, who drew the imperishable declaration of our independence and of the rights of the human race; of a Washington, the father of his country, who achieved her freedom by his valor, and by his wisdom contributed in framing the great charter which binds us together, thereby fixing that freedom upon an indestructible basis; for the fame of an Alexander, a Cæsar, or a Buonaparte?

What an immense difference in the eye of impartial posterity between the former and the latter! The labors of the distinguished friends of man are like mild and grateful showers of heaven upon a genial soil, clothing the face of the earth with refreshing verdure, and with delicious and all sustaining fruits. Those of the destroyer of his species are like the baleful effects of a wild tornado, confounding in one common ruin all the goodly products of nature and of art.

Can there be a more god-like office than that of laboring to enlighten the human race on a subject of the highest interest, to establish and render durable the liberties of millions unborn, to spread the influence of justice and equal laws, to erect perpetual barriers against the inroads of oppression, of corruption, of tyranny? Such are the objects, and such the continual employment of the enlightened and patriotic statesman of our own happy republic. Who is there then that would not willingly contribute to strengthen and adorn this glorious fabric, this ark of our political safety? To explore the labors of ages which have passed away; to interrogate the wise and the good who have lived before us; to note the errors of experience; to devise and adapt the most fit means to the best ends; such are the pursuits and objects of him, who endeavors to acquire a thorough knowledge of government and of law with a view to human happiness. To him, who shall eminently distinguish himself in so glorious a labor, we may assuredly say, the oblivious finger of time shall not erase his memory, nor the pious veneration of succeeding generations leave unhallowed his remains.

But let us briefly as we may point out some few of the qualifications which should be brought to this truly noble enterprise. The prize of glory is not to be cheaply won, whether in the tented field, or in the more calm pursuits of civil life. To toil, to privations, to watching, to perseverance, has heaven promised the cheering plaudit, of "well done thou good and faithful servant."

The student, the successful student of law, must bring with him an ardent zeal for excellence. It is this that gives the surest pledge of pre-eminence in any pursuit.

But zeal without knowledge will not do. He must be prepared for a new, a Herculean, a noble work, by years of previous study. He should have a competent knowledge of the classics, for he will find frequent occasion to trace the science of government and law to times when those, who spoke and used the dead languages, as they are termed, were the ablest guides; and even at this day many of the first principles of our rights and our laws are to be completely elucidated only by a knowledge of those languages. They moreover contribute greatly to correct, enlarge, and polish taste. He should be, as he will, if he be a tolerable classical scholar, well acquainted with the force and structure of his own language; for well has language been denominated the science of humanity. To express forcibly, perspicuously, and elegantly his ideas, whether in speaking or writing, may be called a *sine qua non* to a great statesman or lawyer. But we are to look for still more from him, who aspires to rank in the highest class. We are to expect that he should possess not only the rudiments of politics and law, but the erudition of the accomplished orator. To form such a one, let Quintilian or Cicero be read. He should, says the latter great master, be skilled in every science. His researches should be limited only by the extent of what can be known by man. Nor is he limited there, for he is equally entitled with the poet to use the privileges of imagination, "to pass the flaming bounds of space and time," and bring back images to enforce and press home his subject. He should therefore endeavor to become a belles lettres scholar, to be skilled in criticism and polite literature. He should be a thorough historian, that from seeing what has been done successfully or in vain, he

may the better enabled to judge what should be done now. With these qualifications, of which some may be expected to be attained in his progress, he must prepare himself to inquire into, understand and develope the progress of government and laws from the earliest periods of time recorded by history. It is not enough for him to be satisfied with the particular laws and institutions of his own country; he must search into the origin of the governments of other countries, their growth, abuses, or decay. From hence he must borrow and condense the lights derived from other nations and other times, and from analogy be able to judge of the true meaning, purport, and use of the institutions of his own; for as the light of the sun is the same in all regions, at all times, although shining at different intervals, and in different degrees; so is it with the light of reason. In short, the student must become master, as far as possible, of the history and institutions of all nations and in all ages, especially of the national and municipal laws of Europe; but above all, with the government and laws of his own country, and of his own state in particular. The law of nations, and the civil or Roman law will, as they should do, form necessary parts of the course of lectures to be delivered by the Professors in this department. The importance of at least a general knowledge of the civil law may in some degree be appreciated when it is known, that such is its excellence as a code of written reason, that it forms the basis of a great portion of the national, and most of the municipal laws of Europe. It is so intimately interwoven and incorporated with the common law of England, which, tinged with the spirit of our free government, we have made our own, that no one can pretend to a complete knowledge of the latter without understanding something of the former. Finally, he should diligently study the Bible, not merely as it relates to religion, the highest of all human consid-

erations, but as being the most valuable mine of ancient, historical and juridical information. If I have sketched an ample field for the student, glorious is the prize to be obtained which I have endeavored to hold up to his view, upon its mark in broad characters is inscribed, "By labor and perseverance to be won." All may not arrive at the summit, but to aim at the highest excellence is no small proof of the virtue and noble intentions of so courageous a competitor; and how can he know, until the proof, who shall win? But the losers shall gain. To proceed in a right path is approaching the object, and to approach is to excel; for no one ought to suppose he will be hindmost. To be a benevolent, an honest and honorable man, is an essential characteristic of a great lawyer or statesman. It is virtue that best flourishes in the soil of freedom,

That gives the flower of life its lustre and perfume,
And we are weeds without it.

The practice of the law affords abundant means of knavery and uncandid dealing. No one, who truly values his own dignity, will ever avail himself in its practice of unfair and surreptitious advantages, however colored by technical forms, to put down right and uphold iniquity. This would leave a moral stain which no professional success could obliterate. But what a divine consolation must that bottom feel, where the pure and honorable advocate is able, by the powers of his knowledge and eloquence, to vindicate and protect the rights of the injured against the wrong doer; when he rescues the innocent from punishment; covers with the sacred mantle of justice the bereaved and trembling orphan, and causes the widow's heart to sing for joy! Even *one* great and virtuous statesman or lawyer is a treasure to his country. His goings forth resemble a messenger of heaven, beautiful as the morning to the sons and daughters of affliction, but to the oppressor terrible as an army with banners. May my beloved country ever possess such asserters of her Liberties, such vindicators of her Laws.

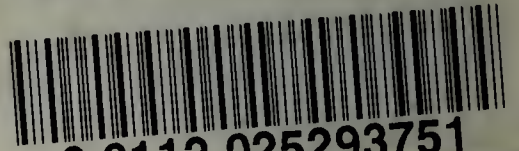
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